

REMARKS

Amendments

To avoid confusion and facilitate examination of the claims, claim 2 is amended to be the sole independent compound claim. Thus, claim 2 is amended to incorporate claims 3, 4, 5, 6, and specific compounds from claim 7. See the proviso clauses at the end of amended claim 2.

Independent claims 3-6 are amended to depend from claim 2. Independent claim 7 is amended to depend from claim 2 and to recite the compounds listed in proviso clause (e) of claim 2. Furthermore, withdrawn method claims 8-20, 23-35, 38-50, 53-65, 68-80, 83-95, and 98-110 are cancelled.

New claim 114 is directed to compounds cancelled from claim 7. New claims 115-131 are directed to further aspects of applicants' invention and are supported throughout the disclosure. See, e.g., pages 30-31. New claim 132 is directed to the scope of examined subject matter. New claims 133-143 are directed to compounds of claim 2. See proviso clause (e).

Scope of Examination

The stated scope of subject matter examined is unclear, and therefore clarification is requested.

The scope as described at pages 3-4 refer to several definitions of variable groups as presented in claim 1. However, claim 1 is cancelled. In any event, applicants assume that the scope of subject matter examined, before the extension discussed below, corresponds to the literal scope of new claim 132.

It is further stated in the Office Action that, beyond the previous scope of examination, the examination has been extended to include the compound 3,4-dimethoxy-N-(4-methylcyclohexyl)-benzamine. This compound falls under applicants' formula I when R¹ is methyl, R² is methyl, R³ is H, and R⁴ is cyclohexyl. Applicants request clarification as to whether the search has been extended to all compounds within the scope of the claims in which R³ is H, or just extended to this single compound.

Rejection of Claim 2 under 35 USC 102(a)

Claim 2 is rejected under 35 USC 102(a) in view of CAS Registry Number 416879-93-1, i.e., 3,4-dimethoxy-N-(4-methylcyclohexyl)-benzamine. This rejection is respectfully traversed.

The document cited in the rejection presents nothing more than a compound name and a structural formula. There is no disclosure of how one of ordinary skill in the art can make the compound. Thus, it is readily apparent that the document by itself fails to anticipate applicants' claimed invention.

Moreover, the compound in question does not anticipate the sole independent compound claim, i.e., claim 2 as amended.

In view of the above remarks, it is respectfully submitted that the rejection fails to establish anticipation of applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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